



# Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## **Memorandum**

**Date:** March 21, 2022

**To:** Richard Conescu, Chair, & Members, Zoning Board of Adjustment

**From:** Robert Price, Planning & Zoning Administrator

**Subject:** **Merrimack Smiles (petitioner) and SIAM04 Realty Inc. (owners)** – Variance under section 2.02.4 of the Zoning Ordinance to allow a dental office in the I-1 (Industrial) District where the use is not permitted. The parcel is located at 75 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 28. Case # ZBA 2022-10.

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The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

### **Background & Project Description**

Map 2D, Lot 28 is located at 75 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. The subject property is 1.64 acres, and serviced by public water (Pennichuck Water Works) and municipal sewer. The lot is currently the site of the Luna Caprese restaurant. It is abutted by a mix of commercial, industrial & residential uses.

The petitioner seeks Variance under section 2.02.4 of the Zoning Ordinance to allow a dental office in the I-1 (Industrial) District where the use is not permitted. The petitioner will be presenting a site plan to the Planning Board on April 5 proposing to raze the existing building and replacing it with the proposed dental office (and associated site improvements).

### **Standard of Review**

It is the burden of the petitioner to demonstrate that the five criteria for the granting of Variance under section 2.02.4 of the Zoning Ordinance to allow a dental office in the I-1 (Industrial) District where the use is not permitted, are met.

**Should the Board find that the petition meets the variance criteria; staff recommends that any approval be conditioned upon the following:**

- 1) The petitioner shall obtain site plan approval from the Planning Board for the dental office use.

**Ec:** Mark & Margaret Morris (Petitioners)  
Meera Cousins, Civil Design Consultants, Inc.  
Building Department Staff  
John Manuele, Fire Department

Cc: Phil Appert, Wastewater Division  
Zoning Board File